

Order

Michigan Supreme Court
Lansing, Michigan

February 4, 2009

Marilyn Kelly,
Chief Justice

137296 & (23)(24)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137296
COA: 282681
Wayne CC: 04-003088-FH

THOMAS JAMES WALLACE,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the June 9, 2008 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion to add issue is DENIED, without prejudice to the defendant raising the issue in a motion for relief from judgment under MCR subchapter 6.500.

KELLY, C.J., and CAVANAGH, J., would grant leave to appeal.

HATHAWAY, J., not participating. Justice Hathaway recuses herself and will not participate in this case as she was the presiding trial court judge. See MCR 2.003(B).



d0128

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 4, 2009

Corbin R. Davis

Clerk